APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,017	10/08/2003	Andrey Lelikov	MSFT-2781/305438.1	6227

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EXAMINER
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ART UNIT	PAPER NUMBER
2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/681,017	LELIKOV ET AL.
	Examiner	**Art Unit**	
	Chinwendu C. Okoronkwo	2136	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10/08/2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6 and 17-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6 and 17-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   For the record, the Examiner acknowledges that no priority claim has been made

in regards to this application.

Information Disclosure Statement

2.   For the record, the Examiner acknowledges that no IDS has yet to have been

received with this application submitted on 10/08/2003.

Oath/Declaration

3.   For the record, the Examiner acknowledges that the Oath/Declaration submitted

on 10/08/2003has been received and considered.

Drawings

4.   For the record, the Examiner acknowledges that the drawings submitted on

10/08/2003 have been received and considered.

Specification

5.   For the record, the Examiner acknowledges that the Specification submitted on

10/08/2003 has been received and considered.

Election/Restrictions

6.   Applicant's election without traverse of Group I, comprising claims 1-6 and 17-23

in the reply filed on 04/10/2007 is acknowledged.

7.   Pursuant to USC 131, claims 1-6 and 17-23 are presented for examination.

8.   Claims 1-6 and 17-23 are pending.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-6 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Crossley et al. (US Patent No. 4,780,821) and further in view of Wyman et

al. (US Patent No. 5,204,897).

Regarding claim 1, Crossley et al., discloses a computer having thereon: a first

process operating on the computer comprising code to be executed in

connection therewith, the code including at least one triggering device (col. 3

lines 28-33 of Crossley); and a second process operating on the computer for

proxy-executing code corresponding to each triggering device of the first process

on behalf of such first process, the second process including a license evaluator

for evaluating the license to determine whether the first process is to be operated

in accordance with the terms and conditions set forth in such license, the second

process choosing whether to in fact proxy-execute the code corresponding to

each triggering device of the first process on behalf of such first process based at

least in part on whether the license evaluator has determined that the first

process is to be operated in accordance with the terms and conditions of the

license, whereby the first process is dependent upon the second process for

operation thereof (col. 4 lines 29-54 of Crossley).

Crossley et al. is silent in disclosing a digital license corresponding to the first

process, the license setting forth terms and conditions for operating the first

process (col. 7 lines 2-66 of Wyman).

It would have been obvious to one of ordinary skill in the art to combine the

method for multiple programs management of Crossley with the management

interface for license management of Wyman. Crossley recites motivation for this

combination in the recitation, "the subject invention was conceived as a result of

having a large number of computer software application programs which were

designed to execute in a single user environment and needed to migrate to a

multi-user/multi-tasking operating environment." Wyman further provides benefit

for acting upon the above cited motivation for the combination of these two

inventions in the recitation, "that the license administration may be delegated to a subsection of the organization, by creating another license management facility duplicating the main facility." This distribution of the workload would benefit the Crossley invention in that it would allow the invention to more efficiently meet the recited objective and goal.

Regarding claim 2, Crossley et al., discloses the computer of claim 1 wherein the first process is an application and the second process a rights client (col. 3 lines 39-56 of Crossley).

Regarding claim 3, Crossley et al., discloses the computer of claim 1 further comprising a table available to the second process, the table including the code corresponding to each triggering device of the first process and an address of the triggering device in the first process (col. 3 lines 59-67 and col. 4 lines 1-17 of Crossley).

Regarding claim 4, Crossley et al., discloses the computer of claim 3 wherein the table is set forth in the license (col. 4 lines 59-67 and col. 5 lines 1-18 of Crossley).

Regarding claim 5, Crossley et al., is silent disclosing the computer of claim 4 wherein the code corresponding to each triggering device of the first process is

encrypted within the table and is decryptable according to a decryption key

obtainable by the second process (col. 14 lines 26-59 of Wyman).

It would have been obvious to one of ordinary skill in the art to combine

the method for multiple programs management of Crossley with the

management interface for license management of Wyman. Crossley

recites motivation for this combination in the recitation, "the subject

invention was conceived as a result of having a large number of computer

software application programs which were designed to execute in a single

user environment and needed to migrate to a multi-user/multi-tasking

operating environment." Wyman further provides benefit for acting upon

the above cited motivation for the combination of these two inventions in

the recitation, "that the license administration may be delegated to a

subsection of the organization, by creating another license management

facility duplicating the main facility." This distribution of the workload

would benefit the Crossley invention in that it would allow the invention to

more efficiently meet the recited objective and goal.

Regarding claim 6, Crossley et al., is silent in disclosing the computer of claim 5

wherein the license includes the decryption key encrypted in a manner

decryptable by the second process (col. 14 lines 26-59 of Wyman).

It would have been obvious to one of ordinary skill in the art to combine the method for multiple programs management of <u>Crossley</u> with the management interface for license management of <u>Wyman</u>. <u>Crossley</u> recites motivation for this combination in the recitation, "the subject invention was conceived as a result of having a large number of computer software application programs which were designed to execute in a single user environment and needed to migrate to a multi-user/multi-tasking operating environment." Wyman further provides benefit for acting upon the above cited motivation for the combination of these two inventions in the recitation, "that the license administration may be delegated to a subsection of the organization, by creating another license management facility duplicating the main facility." This distribution of the workload would benefit the <u>Crossley</u> invention in that it would allow the invention to more efficiently meet the recited objective and goal.

Regarding <u>claim 17</u>, <u>Crossley et al.</u>, discloses a method in combination with a computer having a first process operating thereon and comprising code to be executed in connection therewith, the code including at least one triggering device, and a table including a code section corresponding to each triggering device of the first process and an address of the triggering device in the first process, the method for a second process operating on the computer to proxy-execute code corresponding to each triggering device of the first process on

behalf of such first process, the method comprising: the second process

monitoring for when the first process executes a triggering device thereof; the

first process executing a triggering device and halting; the second process noting

the triggering device being executed by the first process and responding thereto

by: determining an address of the triggering device within the first process;

locating in the table the code section corresponding to the triggering device

based on the determined address; proxy-executing the located code section on

behalf of the first process; and signaling to the first process that the triggering

device has been dealt with; and the first process then resuming, whereby the first

process is dependent upon the second process for operation thereof (col. 3 lines

28-33 and col. 4 lines 29-54 of Crossley).

Regarding claim 18, Crossley et al., discloses the method of claim 17 wherein

the computer further includes a digital license corresponding to the first process,

the license setting forth terms and conditions for operating the first process, the

method further comprising the second process evaluating the license and

verifying that the first process is operating in accordance with the terms and

conditions set forth in such license prior to proxy-executing the located code

section on behalf of the first process (col. 3 lines 39-56 of Crossley).

Regarding claim 19, Crossley et al., discloses the method of claim 17 wherein

the located code section is encrypted, the method further comprising the second

process decrypting the located code section before proxy-executing same (col. 14 lines 26-59 of Wyman).

It would have been obvious to one of ordinary skill in the art to combine the method for multiple programs management of Crossley with the management interface for license management of Wyman. Crossley recites motivation for this combination in the recitation, "the subject invention was conceived as a result of having a large number of computer software application programs which were designed to execute in a single user environment and needed to migrate to a multi-user/multi-tasking operating environment." Wyman further provides benefit for acting upon the above cited motivation for the combination of these two inventions in the recitation, "that the license administration may be delegated to a subsection of the organization, by creating another license management facility duplicating the main facility." This distribution of the workload would benefit the Crossley invention in that it would allow the invention to more efficiently meet the recited objective and goal.

Regarding claim 20, Crossley et al., discloses the method of claim 17 wherein each triggering device is a particular exception and comprising the second process monitoring for when the first process executes the particular exception (col. 3 lines 59-67 and col. 4 lines 1-17 of Crossley).

Regarding claim 21, Crossley et al., discloses the method of claim 20 further comprising the second process attaching to the first process so as to monitor the first process for the particular exception directly (col. 3 lines 28-33 and col. 4 lines 29-54 of Crossley).

Regarding claim 22, Crossley et al., discloses the method of claim 17 wherein each triggering device is one of a plurality of types of exceptions and comprising the second process monitoring for when the first process executes any of the types of exceptions, the second process responding to each type of exception in a differing manner (col. 3 lines 28-33 and col. 4 lines 29-54 of Crossley).

Regarding claim 23, Crossley et al., discloses the method of claim 17 wherein the computer further includes a digital license corresponding to the first process, the license setting forth terms and conditions for operating the first process, and wherein the second process proxy-executing the located code section on behalf of the first process comprises the second process securely retrieving a term or condition from the license and employing same on behalf of the first process (col. 3 lines 28-33 and col. 4 lines 29-54 of Crossley).

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chinwendu C. Okoronkwo whose telephone number is (571) 272 2662. The examiner can normally be reached on MWF 9:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CCO

May 9, 2007

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5/10/07